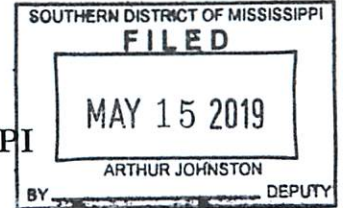


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION



DENNIS WILLIAMS, MARY ANN WILLIAMS,
AND CARRIA WILLIAMS WALTER

PLAINTIFFS

VERSUS

CASE NO. 2:19cv78-KS-MTP

COMMUNITY BANK, ELLISVILLE,
COMMUNITY BANCSHARES OF MISSISSIPPI, INC.,
COMMUNITY OPERATIONS, INC. SETH MILES AND
DOES 1 THROUGH 10

DEFENDANTS

NOTICE OF REMOVAL

TO: Martin Hankins
Lamar County Circuit Clerk
P.O. Box 369
Purvis, Mississippi 39475

CIRCUIT CLERK OF LAMAR COUNTY, MISSISSIPPI

William C. Walter, Esq.
William C. Walter, PLLC
The Horizon Building
43 Town Center Square
Hattiesburg, MS 39402

Bradley S. Clanton, Esq.
Clanton Law Firm, PLLC
P.O. Box 4781
Jackson, MS 39296

COUNSEL FOR PLAINTIFFS

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441 and 1331, Defendant, Community Bank of Mississippi, formerly known as Community Bank, Ellisville, Mississippi (hereafter "Community Bank") hereby removes this action from the Circuit Court of Lamar County, Mississippi to the United States District

Court for the Southern District of Mississippi, Northern Division, and in support thereof, states as follows:

1. On January 28, 2019, Plaintiffs filed their Complaint for Declaratory, Injunctive and Other Relief in the Circuit Court of Lamar County, Mississippi, Cause No. 37:19cv009 against Defendants, Community Bank, Ellisville; Community Bancshares of Mississippi, Inc.; Community Operations, Inc.; Seth Miles; and Does 1 through 10 seeking relief related to a January 28, 2016 business loan that Plaintiffs claim was made to defeat Plaintiffs' rights under federal consumer protection laws, specifically The Dodd Frank Act, 12 U.S.C. § 5301 et seq., Truth in Lending Act and Regulation 2, 15 U.S.C. § 1601 et seq. and 12 C.F.R. 226.1-226.36, Real Estate Settlement Procedures Act and Regulation X, 12 U.S.C. §§ 2601 et seq. and 12 C.F.R. § 1024, Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1639 and 12 C.F.R. § 226.31, 32, 34, Equal Credit Opportunity Act and Regulation B, 15 U.S.C. § 1691 and 12 C.F.R. § 1002.1, Federal Trade Commission Act, 15 U.S.C. § 45 (a)(1), F.T.C. Credit Practices Rule, 16 C.F.R. § 444. Plaintiffs also make claims under two state statutes, Mississippi Unfair and Deceptive Trade Practices Act, Miss. Code Ann § 75-24-1 et seq. and Mississippi S.A.F.E. Mortgage Act, § 81-18-27.

2. The allegations of the Complaint involve the laws of the United States as set forth above. The claims of the Plaintiffs arise under and seek enforcement of federal laws that Plaintiffs claim create causes of action on which the claims and relief sought by Plaintiffs are based. Federal question jurisdiction based on 28

U.S.C. § 1331 appears on the face of the Complaint as pled by Plaintiffs and removal on this basis of federal jurisdiction is proper.

3. Defendant, Community Bank, was served with process on May 2, 2019. No return of service on Defendant, Community Bank, has been filed with the Circuit Clerk of Lamar County, Mississippi. No responsive pleading has been filed by Defendant, Community Bank. No other Defendant including Community Bancshares of Mississippi, Inc., Community Operations, Inc., or Seth Miles have been served. All Defendants join this removal but do so without any waiver of all Rule 12 and affirmative defenses.

4. A copy of the Summons and Complaint as part of the complete copy of the Court file of the Circuit Court of Lamar County, Mississippi is attached as Exhibit "A".

5. The Notice of Removal is timely under 28 U.S.C. 1446(b) and (c) because it was filed within thirty (30) days after service on Community Bank or any Defendant of a copy of the Complaint setting forth the claim for relief upon which such action or proceeding is based and less than one year after commencement of the action.

6. Contemporaneously with the filing of this Notice of Removal, Defendant will file a copy of the same with the Clerk of the Circuit Court of Lamar County, Mississippi, and will give notice to all parties in accordance with 28 U.S.C. 1446(d).

7. Pursuant to 28 U.S.C. §1446(a), a copy of this Notice of Removal is being served on William C. Walter, Esq., who has signed the Complaint as attorney for the Plaintiffs and on Bradley S. Clanton, Esq., who has filed an Entry of Appearance as counsel for the Plaintiffs and a copy of this notice is being filed with the Clerk for the Circuit Court of Lamar County, Mississippi.

8. Defendant, Community Bank, has not yet filed an answer or responsive pleading to the Complaint and all defenses are reserved.

WHEREFORE, Defendant, Community Bank joined by all Defendants, respectfully requests this Court to proceed with the handling of this case as if it had been originally filed herein, and that further proceedings in the Circuit Court of Lamar County, Mississippi be hereby stayed.

Respectfully submitted on this the 15th day of May, 2019.

COMMUNITY BANK OF MISSISSIPPI
formerly known as COMMUNITY BANK,
ELLISVILLE, MISSISSIPPI; COMMUNITY
BANCSHARES OF MISSISSIPPI, INC.;
COMMUNITY OPERATIONS, INC.; AND
SETH MILES

By:



David M. Ott, MSB No. 3948

OF COUNSEL:

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Office: (601) 261-4100
Fax: (601) 261-4106
e-mail: dott@bnlawfirm.com

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have this date filed the foregoing via the MEC system, which sent electronic notification to the following:

William C. Walter, Esq.
William C. Walter, PLLC
The Horizon Building
43 Town Center Square
Hattiesburg, MS 39402

Bradley S. Clanton, Esq.
Clanton Law Firm, PLLC
P.O. Box 4781
Jackson, MS 39296

Attorneys for Plaintiffs

This the 15th day of May, 2019.



David M. Ott